



General Assembly

February Session, 2002

***Amendment***

LCO No. 4296

\*HB0553904296HD0\*

Offered by:

REP. STRATTON, 17<sup>th</sup> Dist.

To: Subst. House Bill No. 5539

File No. 291

Cal. No. 176

***"AN ACT CONCERNING MERCURY EDUCATION AND  
REDUCTION."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2002*) The General Assembly finds  
4 that mercury is a persistent and toxic pollutant that bioaccumulates in  
5 the environment, and that in order to create and maintain a healthful  
6 environment and protect public health, the virtual elimination of the  
7 discharge of anthropogenic mercury should be pursued.

8 Sec. 2. (NEW) (*Effective July 1, 2002*) As used in sections 1 to 14,  
9 inclusive, of this act:

10 (1) "Mercury" means elemental mercury and mercury compounds;

11 (2) "Mercury-added product" means a product, commodity,  
12 chemical or component of a product that contains mercury or a  
13 mercury compound that is intentionally added for any reason.

14 "Mercury-added product" includes, but is not limited to, formulated  
15 mercury-added products and fabricated mercury-added products.  
16 "Mercury-added product" does not include any packaging component,  
17 as defined in subdivision (3) of section 22a-255h of the general statutes;

18 (3) "Formulated mercury-added product" means a mercury-added  
19 product that is sold as a consistent mixture of chemicals, including, but  
20 not limited to, laboratory chemicals, materials used for cleaning,  
21 maintenance or disinfection, cosmetics, pharmaceuticals, coating  
22 materials, acids, alkalites, bleach, pharmaceutical products, stains,  
23 reagents, preservatives, fixatives, buffers and dyes;

24 (4) "Fabricated mercury-added product" means a mercury-added  
25 product that consists of a combination of individual components that  
26 combine to make a single unit, including, but not limited to, mercury-  
27 added measuring devices, lamps and switches;

28 (5) "Mercury fever thermometer" means a mercury-added product  
29 that is used for measuring body temperature, but does not mean a  
30 digital thermometer that includes a removable button cell battery  
31 containing mercury;

32 (6) "Mercury-added novelty" means a mercury-added product  
33 intended mainly for personal or household enjoyment or adornment,  
34 including, but not limited to, products intended for use as practical  
35 jokes, figurines, adornments, toys, games, cards, ornaments, yard  
36 statutes and figures, candles, jewelry, holiday decorations, footwear,  
37 other items of apparel or similar products. A product is not a  
38 "mercury-added novelty" solely on the basis that it includes a  
39 removable button cell battery containing mercury;

40 (7) "Manufacturer" means any person that (A) produces a mercury-  
41 added product, or (B) serves as an importer or domestic distributor of  
42 a mercury-added product produced outside the United States. In the  
43 case of a multi-component product, "manufacturer" means the last  
44 manufacturer to produce or assemble the product, unless the multi-  
45 component mercury-added product is produced outside the United

46 States, in which case "manufacturer" means the importer or domestic  
47 distributor;

48 (8) "Person" means any individual, organization, partnership, joint  
49 venture, association, firm, limited liability company, corporation or  
50 other entity, and includes a municipality, the federal government, the  
51 state or any instrumentality of the state, or other governmental entity  
52 and any officer or governing or managing body of any partnership,  
53 association, firm or corporation or any member or manager of a  
54 limited liability company;

55 (9) "Vehicle" means any device capable of being moved upon a  
56 public highway and any device in, upon or by which any person or  
57 property is or may be transported or drawn upon a public highway,  
58 but does not include devices moved by human or animal power or  
59 used exclusively upon stationary rails or tracks;

60 (10) "Scrap metal" means used or discarded items that consist  
61 predominantly of ferrous metals, aluminum, brass, copper, lead,  
62 chromium, tin, nickel or alloys;

63 (11) "Solid waste" means unwanted or discarded solid, liquid,  
64 semisolid or contained gaseous material, including, but not limited to,  
65 demolition debris, material burned or otherwise processed at a  
66 resources recovery facility or incinerator, material processed at a  
67 recycling facility, sludges or other residue from a water pollution  
68 abatement facility, water supply treatment plant or air pollution control  
69 facility;

70 (12) "Commissioner" means the Commissioner of Environmental  
71 Protection.

72 Sec. 3. (NEW) (*Effective July 1, 2002*) The commissioner shall  
73 participate in the regional, multi-state clearinghouse to assist in  
74 carrying out the requirements set forth in sections 1 to 14, inclusive, of  
75 this act to act as the designated agent of the clearinghouse for the  
76 purposes of receiving notifications and submissions of information as

77 required by this act and to help coordinate reviews of the  
78 manufacturers' notifications regarding mercury-added products,  
79 applications for phase-out exemptions, collection system plans,  
80 disclosures of mercury-added content, applications for alternative  
81 labeling or notification systems or both, education and outreach  
82 activities, and any other functions related to sections 1 to 14, inclusive,  
83 of this act.

84       Sec. 4. (NEW) (*Effective July 1, 2002*) (a) On and after January 1, 2003,  
85 no person shall offer any mercury-added product for sale or distribute  
86 for promotional purposes in this state unless the manufacturer or its  
87 designated industrial trade group gives prior notification in writing to  
88 the commissioner or the regional, multi-state clearinghouse described  
89 in section 3 of this act as provided in this section. Such notification, in a  
90 form prescribed by the commissioner, shall at a minimum include (1) a  
91 brief description of the product or category of products to be offered  
92 for sale or distributed; (2) an identification of each product by its  
93 mercury content in one of the following ranges: Less than zero to five  
94 milligrams, greater than five milligrams to ten milligrams, greater than  
95 ten milligrams to fifty milligrams, greater than fifty milligrams to one  
96 hundred milligrams, greater than one hundred milligrams to one  
97 thousand milligrams and greater than one thousand milligrams; (3) the  
98 actual total amount of mercury in each product; and (4) the name and  
99 address of the manufacturer and the position, address and phone  
100 number of a contact person at the manufacturer. The manufacturer or  
101 its designated industrial trade group shall revise the information in the  
102 notification whenever there is significant change in the information or  
103 when requested by the commissioner or the regional, multi-state  
104 clearinghouse.

105       (b) Any mercury-added product for which federal law preempts  
106 state authority over notice requirements is exempt from the  
107 requirements of this section.

108       (c) With the approval of the commissioner, the manufacturer or its  
109 designated industrial trade group may supply the information

110 required in subdivisions (1) to (3), inclusive, of subsection (a) of this  
111 section for a product category rather than an individual product.

112 (d) Public disclosure of trade secrets submitted to the commissioner  
113 pursuant to this section shall be governed by the provisions of chapter  
114 14 of the general statutes. Notwithstanding the provisions of said  
115 chapter 14, the commissioner may provide the regional, multi-state  
116 clearinghouse described in section 3 of this act with copies of such  
117 information and the commissioner, in consultation with the  
118 clearinghouse, may compile or publish analyses or summaries of such  
119 information, provided the analyses or summaries do not identify any  
120 manufacturer or reveal any confidential information.

121 Sec. 5. (NEW) (*Effective July 1, 2002*) (a) Notwithstanding the  
122 provisions of section 6 of this act, on and after July 1, 2003, no person  
123 shall offer for sale or distribute for promotional purposes in the state  
124 any mercury-added novelty. A manufacturer that produces or sells  
125 mercury-added novelties shall notify retailers that sell mercury-added  
126 novelties about such product ban and inform such retailers of how to  
127 dispose of the remaining inventory in accordance with the hazardous  
128 waste provisions of title 22a of the general statutes.

129 (b) Notwithstanding the provisions of section 6 of this act, on and  
130 after January 1, 2003, no person shall offer for sale or distribute for  
131 promotional purposes mercury fever thermometers except by  
132 prescription written by a physician. A manufacturer of mercury fever  
133 thermometers shall provide the buyer or the recipient with notice of  
134 mercury content, instructions on proper disposal and instructions that  
135 clearly describe how to carefully handle the thermometer to avoid  
136 breakage and on proper cleanup should a breakage occur.

137 (c) Notwithstanding the provisions of section 6 of this act, on and  
138 after July 1, 2003, no person shall offer for sale or distribute for  
139 promotional purposes mercury dairy manometers. A manufacturer  
140 that produces or sells mercury dairy manometers shall notify retailers  
141 about the provisions of this subsection and how to dispose of the

142 remaining inventory properly in accordance with title 22a of the  
143 general statutes. The Commissioner of Environmental Protection, in  
144 consultation with the Commissioner of Agriculture, shall examine the  
145 feasibility of implementing a collection and replacement program for  
146 dairy manometers, and shall implement such a program within  
147 available appropriations.

148 (d) On and after July 1, 2003, no vocational dental education or  
149 training school shall use mercury amalgam unless such school has  
150 developed and implemented a plan approved by the commissioner  
151 that assures best management practices are used to prevent discharge  
152 of mercury into the waters of the state, any pollution abatement facility  
153 or subsurface sewage disposal system, and to properly handle and  
154 recycle or dispose of waste elemental mercury and amalgam. Such  
155 plan shall provide for an education program for students regarding the  
156 hazards of mercury and best management practices.

157 Sec. 6. (NEW) (*Effective July 1, 2002*) (a) Except as provided in section  
158 7 of this act, except for products that contain a mercury-containing  
159 lamp used for backlighting that cannot feasibly be removed by the  
160 purchaser and except for specialized lighting used in the entertainment  
161 industry such as metal halide lights, no person shall offer for sale or  
162 distribute for promotional purposes any mercury-added product if: (1)  
163 After July 1, 2004, the mercury content of the product exceeds one  
164 gram in the case of fabricated mercury-added products or two  
165 hundred fifty parts per million in the case of formulated mercury-  
166 added products; and (2) on and after July 1, 2006, the mercury content  
167 of the product exceeds one hundred milligrams in the case of  
168 fabricated mercury-added products or fifty parts per million in the  
169 case of formulated mercury-added products.

170 (b) Not later than July 1, 2003, the commissioner shall convene a  
171 working group which shall include, but not be limited to, government  
172 representatives from other northeastern states to evaluate advances in  
173 technology and make recommendations regarding the regulation of  
174 mercury-added products that have a mercury content in excess of ten

175 milligrams or ten parts per million but less than one hundred  
176 milligrams or fifty parts per million and specialized lighting used in  
177 the entertainment industry such as metal halide lights. Within such  
178 working group, the commissioner shall convene a subgroup which  
179 shall include, but not be limited to, industry trade groups for mercury-  
180 containing lamps to develop a plan in accordance with section 9 of this  
181 act to provide for the collection of such lamps. The working group  
182 shall finalize such recommendations not later than July 1, 2004.

183 (c) In the case of a product that contains one or more mercury-  
184 added products as a component, the phase-out limits specified in  
185 subsection (a) of this section apply to each component part or parts  
186 and not to the entire product.

187 Sec. 7. (NEW) (*Effective July 1, 2002*) (a) The commissioner shall  
188 exempt a mercury-added product from the limits on total mercury  
189 content set forth in subsection (a) of section 6 of this act if the level of  
190 mercury or mercury compounds contained in the product are  
191 necessary to comply with federal or state health or safety  
192 requirements. In order to obtain such exemption, the manufacturer  
193 shall provide the commissioner and notify the regional, multi-state  
194 clearinghouse described in section 3 of this act with information that  
195 demonstrates such necessity.

196 (b) A manufacturer of a mercury-added product or category of  
197 products may apply to the commissioner and notify the clearinghouse  
198 for a modified or conditional exemption from the limits on total  
199 mercury content set forth in subsection (a) of section 6 of this act  
200 provided such exemption shall be for not more than four years.

201 (c) The manufacturer shall apply for a modified or conditional  
202 exemption (1) not later than one year before the effective date of the  
203 limit for which the exemption is being requested in the case of an  
204 existing product or category of products, or (2) prior to the sale or  
205 distribution in the case of promotional purposes of a new product or  
206 category of products.

207 (d) An application for a modified or conditional exemption shall (1)  
208 document the basis for the requested exemption or renewal of  
209 exemption, and (2) describe how the manufacturer will ensure that a  
210 system exists for the proper collection, transportation and processing  
211 of the product or products at the end of their useful life.

212 (e) In determining whether to grant a modified or conditional  
213 exemption for a product or category of products the commissioner  
214 shall consider (1) whether a system exists for the proper collection,  
215 transportation and processing of the mercury-added product,  
216 including, but not limited to, a system for the direct return of a waste  
217 product to the manufacturer or a collection and recycling system that  
218 is supported by an industry or trade group, or other similar private or  
219 public sector efforts, and (2) whether each of the following criteria is  
220 met: (A) Use of the product is beneficial to the environment or  
221 protective of public health or protective of public safety; (B) there is no  
222 technically feasible alternative to the use of mercury in the product; (C)  
223 there is no comparable product, other than a mercury-added product,  
224 available at reasonable cost; and (D) with respect to a renewal of an  
225 exemption, reasonable efforts have been made to remove mercury  
226 from the product.

227 (f) Prior to issuing a modified or conditional exemption, the  
228 commissioner shall consult with the clearinghouse, states, Canadian  
229 provinces and regional governmental organizations to promote  
230 consistency in the implementation of this section.

231 (g) The commissioner may renew, for a period of not longer than  
232 four years, a modified or conditional exemption one or more times if  
233 (1) the manufacturer applies for the renewal, and (2) the commissioner  
234 finds that the manufacturer meets the requirements for such  
235 exemption and that the manufacturer has complied with all the  
236 conditions of the original approval.

237 Sec. 8. (NEW) (*Effective July 1, 2002*) (a) Except as provided in  
238 subsection (g) of this section, on and after July 1, 2004, no person shall



239 offer for sale or distribute for promotional purposes any mercury-  
240 added product unless both the product and either its packaging or care  
241 and use manual are labeled in accordance with this section, any  
242 regulations adopted under this section or the terms of any approved  
243 alternative labeling or notification granted under subsection (h) of this  
244 section. A retailer shall not be found in violation of this subsection if  
245 the retailer lacked knowledge that the product contained mercury.

246 (b) Except as provided in subsection (g) of this section, if a mercury-  
247 added product is a component of another product, the product  
248 containing the component and the component shall both be labeled as  
249 provided in this section, provided such component may feasibly be  
250 removed from the product by the purchaser. The label on a product  
251 containing a mercury-added component that can be feasibly removed  
252 shall identify the component with sufficient detail so that the  
253 component may be readily located for removal.

254 (c) All labels contained on packaging shall be clearly visible prior to  
255 sale and all labels required on the product packaging or in the care and  
256 use manual shall be sufficient to inform the purchaser, using words or  
257 symbols, that mercury is present in the product and that the product  
258 should be properly disposed of or recycled in accordance with the  
259 hazardous waste provisions of title 22a of the general statutes.

260 (d) Labels affixed to the product shall be constructed of materials  
261 that are sufficiently durable to remain legible for the useful life of the  
262 product.

263 (e) On and after July 1, 2004, any person offering a mercury-added  
264 product for sale through a catalog, or distributing such product for  
265 promotional purposes shall clearly advise in writing the purchaser or  
266 recipient prior to the time of sale or distribution that the product  
267 contains mercury. On and after July 1, 2004, any person offering a  
268 mercury-added product for sale by telephone shall clearly advise the  
269 purchaser or recipient prior to the time of sale that the product  
270 contains mercury. Such requirements shall apply to such transactions

271 in which the purchaser or recipient is unable to view the labels on the  
272 package or the product prior to purchase or receipt.

273 (f) The manufacturer of a product shall be responsible for product  
274 and package labels required under this section, unless the wholesaler  
275 or retailer agrees in writing to accept the responsibility of  
276 implementing an alternative to the labeling requirements of this  
277 section provided such alternative is approved under subsection (h) of  
278 this section.

279 (g) (1) Manufacturers shall meet all the requirements of this section  
280 for large appliances, including, but not limited to, washers, dryers,  
281 ovens, including microwave ovens, refrigerators, air conditioners,  
282 dehumidifiers or portable heaters sold in a store where such appliance  
283 is on display, except that no package labeling shall be required; (2)  
284 manufacturers shall meet all the requirements of this section for  
285 mercury fever thermometers, except that no product labeling shall be  
286 required; (3) in the case of vehicles, (A) manufacturers shall meet the  
287 product labeling requirements of this section for vehicles by placing a  
288 label on the doorpost of the vehicles that lists the mercury-added  
289 components that may be present in the vehicle, and (B) manufacturers  
290 shall not be required to label the mercury-added components of the  
291 vehicle; (4) manufacturers of products that contain a mercury-  
292 containing lamp used for backlighting that cannot feasibly be removed  
293 by the purchaser shall meet the product labeling requirements of this  
294 section by placing the label on the product or its care and use manual;  
295 (5) manufacturers shall meet all the requirements of this section for  
296 button cell batteries containing mercury, except that no labeling shall  
297 be required; (6) in the case of products that contain button cell batteries  
298 containing mercury as the only mercury components, manufacturers  
299 shall meet the packaging requirements of this section by including a  
300 label in the product instructions, if any, and on the packaging, and no  
301 further product labeling shall be required; (7) manufacturers of  
302 fluorescent lights shall meet the labeling requirements of this section  
303 by labeling the product packaging; and (8) manufacturers of medical  
304 equipment not intended for use by nonmedical personnel are exempt

305 from this section.

306 (h) (1) A manufacturer may apply to the commissioner and the  
307 regional, multi-state clearinghouse described in section 3 of this act for  
308 an alternative to the requirements of subsections (a) to (g), inclusive, of  
309 this section if: (A) Compliance with the requirements is not feasible; (B)  
310 the proposed alternative would be at least as effective in providing  
311 presale notification of mercury content and in providing instructions  
312 on proper disposal; or (C) federal law preempts state authority over  
313 labeling.

314 (2) The commissioner may approve, deny, modify or condition a  
315 request for an alternative to the requirements of subsections (a) to (g),  
316 inclusive, of this section. An approval shall be for a period of no more  
317 than two years and may, upon continued eligibility under the criteria  
318 of this section and compliance with the conditions of its prior  
319 approval, be renewed. Requests for renewals shall be submitted ninety  
320 days before the expiration of the approval. Prior to approving an  
321 alternative, the commissioner shall consult with states, Canadian  
322 provinces and regional government organizations to insure that the  
323 commissioner's labeling requirements are consistent with those of  
324 other jurisdictions in the region. The commissioner may revoke an  
325 approval for cause.

326 (i) Notwithstanding the provisions of this section, a person who  
327 sells mercury-added lamps to the owner or manager of any industrial,  
328 commercial or office building or to any person who replaces or  
329 removes from service outdoor lamps that contain mercury shall clearly  
330 inform the purchaser in writing on the invoice for the lamps or in a  
331 separate document that the lamps contain mercury, a hazardous  
332 substance that is regulated by federal and state law, and that they may  
333 not be placed in the solid waste destined for disposal. Retail  
334 establishments that incidentally sell mercury-added lamps to  
335 purchasers are exempt from the requirements of this subsection. A  
336 person who contracts with the owner or manager of an industrial,  
337 commercial or office building or with a person responsible for outdoor

338 lighting to remove from service mercury-added lamps shall clearly  
339 inform in writing the person for whom the work is being done that the  
340 lamps being removed from service contain mercury and what the  
341 contractor's arrangements are for the management of the mercury in  
342 the removed lamps.

343       Sec. 9. (NEW) (*Effective July 1, 2002*) (a) On and after July 1, 2003, no  
344 person shall offer any mercury-added product for sale or distribute  
345 any such product for promotional purposes unless the manufacturer  
346 either on its own or in concert with other persons has submitted a plan  
347 to the commissioner for a system that reasonably enables the collection  
348 of such products. If a mercury-added product is a component of  
349 another product, the collection system shall provide for removal and  
350 collection of the mercury-added component or collection of both the  
351 mercury-added component and the product containing it.

352       (b) The collection system shall include (1) a public education  
353 program to inform the public about the purpose of the collection  
354 program and how to participate in it; (2) a targeted capture rate for the  
355 mercury-added product or component; (3) a plan for implementing  
356 and financing the collection system; (4) documentation of the  
357 willingness of all parties to the system to implement the proposed  
358 collection system; (5) a description of the performance measures to be  
359 utilized and reported by the manufacturer to demonstrate that the  
360 collection system is meeting capture rate targets; (6) a description of  
361 additional or alternative actions that will be implemented to improve  
362 the collection system and its operation in the event that the program  
363 targets are not met; and (7) a recycling or disposal plan.

364       (c) Not later than July 1, 2004, and biennially thereafter, the  
365 manufacturer or entity that submitted the plan on behalf of the  
366 manufacturer shall submit a report to the commissioner and to the  
367 regional, multi-state clearinghouse described in section 3 of this act on  
368 the effectiveness of the collection system. The report shall include an  
369 estimate of the amount of mercury that was collected, the capture rate  
370 for the mercury-added products or components, the results of the

371 other performance measures included in the manufacturer's collection  
372 system plan, and such other information as the commissioner may  
373 require. The commissioner shall make such reports available to the  
374 public.

375 (d) The cost for the collection system shall not be borne by state or  
376 local government.

377 (e) The commissioner shall review any impediments identified  
378 pursuant to subdivision (7) of subsection (b) of this section and the  
379 regulations adopted under title 22a of the general statutes governing  
380 handling of waste from mercury-added products and, if necessary,  
381 may amend regulations as appropriate to facilitate collection.

382 (f) The following are exempt from the provisions of this section: (1)  
383 Formulated mercury-added products intended to be consumed in use,  
384 including, but not limited to, reagents, cosmetics, pharmaceuticals and  
385 other laboratory chemicals; (2) fabricated mercury-containing products  
386 where the only mercury is contained in a component that cannot  
387 feasibly be removed by the purchaser including, but not limited to,  
388 electronic products whose only mercury-added component is a  
389 mercury-containing lamp used for backlighting provided such  
390 manufacturer or trade association maintains a web-based service to  
391 provide information on recycling and safe disposal of such products;  
392 (3) photographic film and paper; (4) a manufacturer or trade  
393 association of mercury-containing lamps that maintain a toll-free  
394 telephone number and an Internet-based service to provide  
395 information on recycling and safe disposal of such lamps and directs  
396 consumers to such telephone number and service on any statutorily-  
397 required package label; and (5) any other product for which the  
398 commissioner determines a collection plan is not feasible.

399 Sec. 10. (NEW) (*Effective July 1, 2002*) Except as provided in section  
400 11 of this act, no person shall offer for sale or distribute for  
401 promotional purposes or provide elemental mercury without  
402 providing a Material Safety Data Sheet, as defined in 42 USC 11049. On

403 and after July 1, 2003, the seller, distributor or provider shall require  
404 the purchaser or recipient at the time of receipt of any elemental  
405 mercury to sign a statement that the purchaser or recipient (1) will use  
406 the mercury only for medical, research or manufacturing purposes; (2)  
407 understands that mercury is toxic and that the purchaser will store, use  
408 and otherwise handle exposure to such mercury in accordance with  
409 state and federal law; and (3) will dispose of the elemental mercury in  
410 accordance with state and federal law.

411 Sec. 11. (NEW) (*Effective July 1, 2002*) No person shall offer for sale,  
412 distribute for promotional purposes or provide elemental mercury to a  
413 dental practitioner without providing a Material Safety Data Sheet, as  
414 defined in 42 USC 11049. On and after July 1, 2003, such dental  
415 practitioner shall (1) use the mercury only for dental purposes; (2)  
416 store, use and otherwise handle exposure to such mercury in  
417 accordance with the accepted guidelines of the American Dental  
418 Association, state and federal law and any applicable best  
419 management practices adopted by the state; and (3) dispose of the  
420 elemental mercury in accordance with state and federal law.

421 Sec. 12. (NEW) (*Effective July 1, 2002*) (a) Mercury-added products  
422 with a code or date of manufacture indicating they were manufactured  
423 prior to January 1, 2003, or mercury-added products for which the  
424 manufacturer provides documentation that the product was  
425 manufactured prior to January 1, 2003, shall be exempt from section 4  
426 of this act, except that motor vehicles with a code or date of  
427 manufacture prior to October 1, 2003, or motor vehicles for which the  
428 manufacturer provides documentation that the product was  
429 manufactured prior to October 1, 2003, shall be exempt from such  
430 sections.

431 (b) Mercury-added products with a code or date of manufacture  
432 indicating they were manufactured prior to January 1, 2004, or  
433 mercury-added products for which the manufacturer provides  
434 documentation that the product was manufactured prior to January 1,  
435 2004, shall be exempt from sections 6 and 8 of this act, except that

436 motor vehicles with a code or date of manufacture prior to October 1,  
437 2003, or motor vehicles for which the manufacturer provides  
438 documentation that the product was manufactured prior to October 1,  
439 2003, shall be exempt from such sections.

440 (c) Mercury-added products with a code or date of manufacture  
441 indicating they were manufactured prior to July 1, 2003, or mercury-  
442 added products for which the manufacturer provides documentation  
443 that the product was manufactured prior to July 1, 2003, shall be  
444 exempt from section 9 of this act, except that motor vehicles with a  
445 code or date of manufacture prior to October 1, 2003, or motor vehicles  
446 for which the manufacturer provides documentation that the product  
447 was manufactured prior to October 1, 2003, shall be exempt from such  
448 sections.

449 Sec. 13. (NEW) (*Effective July 1, 2002*) (a) The commissioner, in  
450 consultation with other state agencies, may implement a  
451 comprehensive program for public education, outreach and assistance  
452 for manufacturers, households, waste generators, local and regional  
453 solid waste management agencies, businesses, health care facilities,  
454 scrap metal processors, recyclers, dismantlers, institutions, schools and  
455 other interested groups. Such program may focus on the hazards of  
456 mercury; the requirements and obligations of individuals,  
457 manufacturers and agencies under sections 1 to 12, inclusive, of this act  
458 and voluntary efforts that individuals, institutions and businesses can  
459 undertake to help further reduce mercury in the environment. The  
460 commissioner, in conjunction with manufacturers of mercury-added  
461 products and other affected businesses, may promote the development  
462 and implementation of such public education and technical assistance  
463 programs.

464 (b) The commissioner may cooperate with other states and  
465 Canadian provinces and regional organizations in developing public  
466 education, outreach and assistance programs.

467 (c) The commissioner may develop an awards program to recognize

468 the accomplishments of those persons who exceed the minimum  
469 requirements of sections 4 to 12, inclusive, of this act, and who excel at  
470 reducing or eliminating mercury in air emissions or releases.

471 Sec. 14. (NEW) (*Effective July 1, 2002*) The provisions of this act shall  
472 not apply to pharmaceuticals, pharmaceutical products, biological  
473 products or any substance that may be lawfully sold over the counter  
474 without a prescription under the federal Food, Drug and Cosmetics  
475 Act, 21 USC 301 et seq. For purposes of this section, "Biological  
476 product" means a virus, therapeutic serum, toxin, antitoxin, vaccine,  
477 blood, blood component or derivative, allergenic product or an  
478 analogous product, or arsphenamine a derivative of arsphenamine or  
479 any other trivalent organic arsenic compound used for the prevention,  
480 treatment or cure of a disease or condition of human beings."

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>July 1, 2002</i>
Sec. 6	<i>July 1, 2002</i>
Sec. 7	<i>July 1, 2002</i>
Sec. 8	<i>July 1, 2002</i>
Sec. 9	<i>July 1, 2002</i>
Sec. 10	<i>July 1, 2002</i>
Sec. 11	<i>July 1, 2002</i>
Sec. 12	<i>July 1, 2002</i>
Sec. 13	<i>July 1, 2002</i>
Sec. 14	<i>July 1, 2002</i>